

## Message Text

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ORIGIN NEA-10

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DRAFTED BY NEA/ARP:RWAHERNE:YW

APPROVED BY NEA:SSOBER

L/NEA - JROHWER

PM/SAS-DKEENE

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FM SECSTATE WASHDC

TO AMEMBASSY JIDDA IMMEDIATE

C O N F I D E N T I A L STATE 053543

STADIS////////////////////////////////////

FOR AMBASSADOR FROM ACTING ASST SEC SOBER

E.O. 11652: GDS

TAGS: MASS, SA, US

SUBJECT: DSAA LETTER ON PROCEDURES FOR IMPLEMENTING CORPS  
OF ENGINEERS PROJECTS

REF:A)JIDDA 1060 B) JIDDA 1085

1. APPRECIATE YOUR THOUGHTFUL COMMENTS ON QUESTION OF  
BRINGING COE INTO FMS PATTERN FOR ITS ACTIVITIES IN SAUDI  
ARABIA.

2. BELIEVE THERE MAY BE SOME MISUNDERSTANDING OF ROLE AND  
PURPOSE OF 1965 AGREEMENT, ON THE ONE HAND, AND LEGAL  
AUTHORITY OF FMS ACT, ON THE OTHER. THE 1965 AGREEMENT  
DOES NOT PROVIDE LEGAL AUTHORITY UNDER U.S. DOMESTIC  
LAW FOR SALE OF CORPS SERVICES TO SAUDI ARABIA. WHEN  
THE AGREEMENT WAS DRAWN UP, AUTHORIZATION FOR THE ACTIVI-  
TIES IT CONTEMPLATED WAS CONTAINED IN A SECTION OF THE  
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FOREIGN ASST. ACT WHICH HAS SINCE BEEN REPEALED. THAT

SECTION WAS SPECIFICALLY SUCCEEDED BY ONE IN THE FOREIGN MILITARY SALES ACT, WHICH CONSTITUTES ONLY RPT ONLY LEGAL AUTHORITY FOR SALE OF CORPS MILITARY CONSTRUCTION SERVICES TO SAUDI ARABIA. WE HAVE TO COMPLY WITH THE CONDITIONS IN THAT SECTION AND IN FMS ACT GENERALLY.

3. COE HERE IS FRANKLY CHAFING UNDER THIS NEW REQUIREMENT, AND WE INFER THAT YOU ARE RECEIVING SIMILAR REACTION FROM COE RIYADH. WHILE WE SYMPATHIZE WITH CORPS, AND UNDERSTAND ITS RELUCTANCE TO CHANGE TRIED-AND-TRUE PROCEDURES NOW OVER TEN YEARS OLD, WE SEE NO CHOICE BUT TO ADJUST BOTH THE CORPS AND SAUDI PROCEDURES AND ATTITUDES TO CURRENT SITUATION. (IT IS IN FACT LIKELY THAT SUCH ACTION SHOULD HAVE BEEN TAKEN SOME TIME AGO, WHEN RELEVANT FAA SECTION WAS REPEALED). IN ANY CASE, CURRENT INTENSE CONGRESSIONAL SCRUTINY OF CORPS AND OTHER MILITARY PROGRAMS IN SAUDI ARABIA MAKES IT LIKELY THAT AT SOME POINT WE WILL BE ASKED WHAT LEGAL AUTHORITY WE HAVE FOR 1965 AGREEMENT; FMS ACT IS, AS INDICATED ABOVE, THE ONLY APPROPRIATE CURRENT AUTHORITY, AND CORPS PROCEDURES UNDER 1965 AGREEMENT MUST BE SPEEDILY BROUGHT IN LINE WITH IT.

4. WE RECOGNIZE THAT CORPS WOULD LOSE SOME FLEXIBILITY IN RESPONDING TO SAUDI REQUESTS FOR ASSISTANCE, THOUGH WE SUSPECT THAT THE LOSS WILL BE MORE APPARENT THAN REAL. AND COMPARED TO LOSS OF FLEXIBILITY WE HAVE EXPERIENCED ACROSS THE BOARD ON FMS PROGRAMS IN THE PAST FEW YEARS, IT SHOULD BE MINOR. AS YOU POINT OUT, CORPS FLEXIBILITY IS ALSO REQUIRED TO ADJUST TO CHANGING CIRCUMSTANCES IN THE KINGDOM; IN THIS CASE IT IS A QUESTION OF BEING ABLE TO ADJUST TO CHANGING CIRCUMSTANCES IN THIS COUNTRY. KISSINGER

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